

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

CADILLAC OF NAPERVILLE

and

Cases 13-CA-207245

AUTOMOBILE MECHANICS LOCAL 701,  
INTERNATIONAL ASSOCIATION OF  
MACHINISTS & AEROSPACE WORKERS  
AFL-CIO

**RESPONDENT'S EXCEPTIONS TO THE DECISION  
AND RECOMMENDED ORDER OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, Respondent Cadillac of Naperville, ("herein "Employer" or "Respondent") submits the following exceptions to the Decision of the Administrative Law Judge ("ALJ") issued June 19, 2018. A brief in support of these exceptions is filed herewith.

1. That portion of the ALJ's decision in which the ALJ found that Respondent's counsel was not permitted to review witness affidavits until the end of the hearing. (ALJD p.2, fn. 3).

2. That portion of the ALJ's decision in which the ALJ found that Laskaris warned Bisbikis that if the mechanics decided to strike, "things wouldn't be the same." (ALJD p.4, lines 13-14, and fn. 7).

3. That portion of the ALJ's decision in which the ALJ found that Bisbikis was standing by the door and now moving toward Laskaris in a threatening manner. (ALJD p.8, lines 29, fn. 17j).

4. That portion of the ALJ's decision permitting the introduction of an illegally (under Illinois law) recorded conversation. (ALJD p.15, lines 22-26 and fn. 35; p.22, lines 21-24).

5. That portion of the ALJ's decision in which the ALJ found that a June 29 statement to Bisbikis was a "warning" and that things "would not be the same" after a strike. (ALJD p.21, lines 7-18).

6. That portion of the ALJ's decision finding that Laskaris's conversation with Lowe, wherein Lowe's picket line misconduct was questioned, constitutes a threat. (ALJD p.21 lines 22-35).

7. That portion of the ALJ's decision finding that Laskaris threatened employees when he informed them they would be laid off if they ran out of work. (ALJD p. 21-22, lines 39-43, 1-11).

8. That portion of the ALJ's decision finding that during the October 6 meeting, Laskaris, "threatened employees with stricter enforcement of company rules, informed them that it would be futile to file grievances, encouraged employees to resign their membership in the union or become core members of the union, coerced employees by telling them that past employees had lost their jobs over their decision to strike, and threatened employees with physical violence. (ALJD p. 22, lines 16-21).

9. That portion of the ALJ'd decision that found that Laskaris coerced Higgins in an October 27 telephone call. (ALJD p. 25, lines 3-10).

10. That portion of the ALJ's decision finding that Bisbikis was threatened by Laskaris on June 29 (ALJD p.26, lines 29-33).

11. That portion of the ALJ's decision that Bisbikis union activity was a motivating factor in his discharge. (ALJD p.27, lines 4-5).

12. That portion of the ALJ's decision finding that Bisbikis's behavior was not an egregious violation of company policy. (ALJD p.27, lines 28-32).

13. That portion of the ALJ's decision finding that Bisbikis's conduct did not extinguish his Section 7 rights. (ALJD p.27, lines 39-40).

14. That portion of the ALJ's decision finding that the removal of gloves and water was motivated by animus. (ALJD p.28, lines 32-35).

15. That portion of the ALJ's decision finding that Respondent's promulgation of an attendance policy required bargaining with the union. (ALJD p.29-30, lines 10-12 (p.30).

16. That portion of the ALJ's decision finding that removal of gloves and water violates Section 8(a)(5) of the Act. (ALJD p.30, lines 25-26).

17. That portion of the ALJ's decision finding that the Employer did not have a compelling reason to notify the union of a change to the union access practice. (ALJD p. 31, lines 9-11).

Respectfully submitted,

FREEBORN & PETERS LLP

By: /s/ Michael P. MacHarg

Dated: August 31, 2018

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**CERTIFICATE OF SERVICE**

Pursuant to NLRB Rules and Regulations 102.113 and 102.114, I certify that before 5:00 p.m. on August 31, 2018, I served a portable document format (pdf) copy of Respondent's Exceptions to The Decision and Recommended Order of the Administrative Law Judge, upon Christina Hill, National Labor Relations Board Region 13, through the NLRB's electronic filing system.

On this same date, I certify that I served a copy of Respondent's Exceptions to The Decision and Recommended Order of the Administrative Law Judge upon the following by email and/or regular mail:

Christina Hill, Attorney, National Labor Relations Board Region 13, 219 South Dearborn Street, Suite 808, Chicago, IL 60604

Michael Rosas, Administrative Law Judge, National Labor Relations Board,  
1015 Half Street SE, Washington, DC 20570-0001 (Email: Michael.rosas@nrlrb.gov)

Frank Laskaris, Cadillac of Naperville, Inc., 1507 W. Ogden Avenue, Naperville, IL 60540-3952

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/s/ Michael P. MacHarg

Dated: August 31, 2018

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